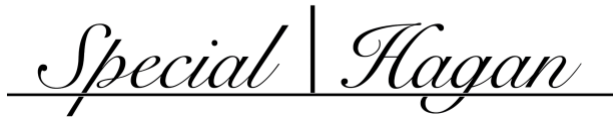


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Monday, June 27, 2022

**VIA ECF**

Honorable District Judge John P. Cronan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Courtroom 20C  
New York, New York 10007-1312

Re: Kaye v. Health and Hospitals Corporation et. al.  
18-CV-12137(JPC)(JLC)

Dear Honorable District Judge Cronan:

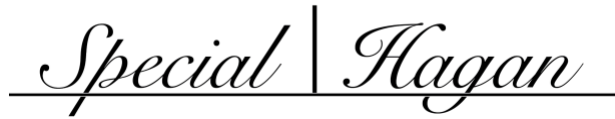
I humbly write the Court to seek clarification and confirmation that Plaintiff's fully submitted Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment and her declaration in support have been accepted. (ECF. Dkts. 271-273) On June 8, 2022, at approximately 6PM, the Court rejected Plaintiff's late filing of her Rule 56.1 Statement and granted leave for Plaintiff to file her memorandum in opposition to Defendants' motion for summary judgment. Since, Plaintiff had not heard from the Court based on her previous application, it was unclear whether she would even have the opportunity to file a memorandum of law. Accordingly, the Court's Order on June 8<sup>th</sup>, left Plaintiff with less than 24 hours to complete the application. Based on the extensive correspondence with the Court in this case and in others in this District, that was an impossible proposition.

As I have shared with Your Honor and with the other Judges in this District, I suffer from long haul COVID, fatigue and a host of other symptoms. In support of this disclosure, I have repeatedly offered the Court the opportunity to review my medical records if in fact there was some skepticism. To date, this offer has been ignored. Despite these circumstances, I was somewhat disappointed that the Court only gave me 24 hours to generate a memorandum of law in opposition. Knowing the unlikelihood, I attempted to comply and was unsuccessful.

On June 9<sup>th</sup> I submitted a partial application. I provided an explanation subsequent thereto: ECF was not functional for the better part of June 9<sup>th</sup> which I corroborated with emails from my other colleagues; and I physically could not write a 30 page application with a supporting declaration in under 24 hours.

With that said, I am fully aware of the consequences of not complying with the Court's Orders. And have repeatedly apologized for not being able to do so in the past, however I humbly come to the Court again on behalf of Dr. Kaye, who truly deserves a meritorious disposition of her claims. I come to the Court to request that at the least, that the Court consider Plaintiff's Counterstatement and her submissions as entered on ECF Dkts. 271-273.

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I respectfully argue that what should be clear from the record and the resources expended thus far, is that Dr. Kaye's claims have merit and that they should be resolved accordingly; they should not be disposed of on a technicality... partially which can be attributable to my disclosed health issues but also on the inaccessibility to PACER which was supported by several of my colleagues in the New York National Employment Lawyers Association.

In closing, I would like to thank the Court for its time and look forward to the parties' conference on June 29, 2022. Although at this point, I have not done anything to merit a response of any kind from the Court, but I do hope that the Court sees this case for what it is: a Doctor who dutifully served the City for over 20 years; who had the audacity to speak truth to power; and who was ruthlessly demoted, targeted and removed in retaliation for fighting for the Constitutional rights of criminal defendants and for the public's safety. I beg that the Court does not take out its wrath on Dr. Kaye, because it is angry that my health has prevented me from complying with its deadlines, which has been a consistent issue with all of the cases I have litigated in this district. Again, I hope that the Court has mercy not solely for my sake but for Dr. Kaye who has bravely stood up for herself and for the City's residents.

Respectfully submitted,

/s/

Special Hagan  
Counsel for Plaintiff, Melissa Kaye, M.D.  
Cc: Donna Canfield,  
Counsel for Defendants